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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO.     |
|--|-------------|----------------------|------------------------|----------------------|
| 10/670,672   | 09/25/2003  | John S. Mahshie      | MAH101                 | 8346                 |
| 7590   | 07/15/2004  |                      | EXAMINER<br>[REDACTED] | SINGH, SUNIL         |
| William E. Noonan<br>Post Office Box 07338<br>Fort Myers, FL 33919 |             |                      | ART UNIT<br>[REDACTED] | PAPER NUMBER<br>3673 |

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/670,672             | MAHSIE, JOHN S.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Sunil Singh            | 3673                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: There is no brief description for Figure 6. The heading for "Brief description of drawings" is missing. The heading "Detailed Description of Preferred Embodiments" is in the incorrect place. Appropriate correction is required.

### *Claim Objections*

2. Claims 1, 11 and 19 objected to because of the following informalities: Claim 1 line 2, "A" should be --a--; Claim 19 line 2, "A" should be --a--. Claim 11 should depend from claim 10 in order to have proper antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton (US 5029349).

Hamilton discloses a lounge chair comprising a generally horizontal body (see Figs. 4, 5), a leg assembly (36), a pocket for accommodating a female breast (see Figs. 4, 5; (86), col. 1 line 50+; it should be noted that the pocket for the breast can be adjustable using members 70,80). With regards to claims 2-3, these claims do not further limit

claim 1 since they do not rely on the lounge chair structure but instead of the user's breast size. The chair includes multiple foldably interconnected segments (12,22). The pocket is collapsible (thru means 88).

5. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sewell (US 5946749).

Sewell discloses a lounge chair comprising a generally horizontal body support assembly (12), a leg assembly (14,22), an aperture (18) for accommodating the user's eyes, a bookholder(26). The bookholder is a foldable rack (members 28,30 are pivotable).

6. Claims 15, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Boggs (US 5950259).

Boggs discloses a lounge chair comprising a generally horizontal body support assembly (see Fig. 12), a leg assembly (see Fig. 12), an aperture (7) for accommodating the user's eyes, a bookholder(24).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boggs.

Boggs discloses the invention substantially as claimed. However, Boggs is silent about the bookholder being foldable. It would be considered obvious to one of ordinary skill in

the art to modify Boggs by making his bookholder foldable since this would allow for compact storage of the lounge chair.

9. Claims 1-5, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nation (US 6295668) in view of Sockwell, II et al. (US Des.3578538).

Nation discloses the invention substantially as claimed. However, Nation is silent about the pocket for a female's breast when lying in the prone position. Sockwell, II et al. teaches a pocket for female breast when lying in the prone position (see Figs. 1,4). It would have been considered obvious to one of ordinary skill in the art to modify Nation to include the pocket as taught by Sockwell, II et al. in order to provide comfort for a woman when lying in the prone position.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nation in view of Sockwell, II et al. as applied to claim 4 above, and further in view of Johnson (US 5222779).

Nation (once modified) discloses the invention substantially as claimed. However, the (once modified) Nation lacks a T-shaped face aperture. Johnson teaches a T-shaped face aperture (43). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Nation by making his face aperture T-shaped as taught by Johnson since this is a mere design choice.

11. Claims 7, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nation in view of Sockwell, II et al. as applied to claim 4 above, and further in view of Boggs.

Nation (once modified) discloses the invention substantially as claimed. However, the (once modified) Nation lacks a bookholder. Boggs teaches a bookholder (24). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Nation by including a bookholder as taught by Boggs since this would prevent the reading material from getting dirty, sandy or wet.

12. Claims 7, 8, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nation in view of Sockwell, II et al. as applied to claim 4 above, and further in view of Sewell.

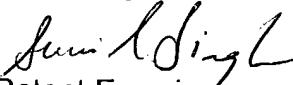
Nation (once modified) discloses the invention substantially as claimed. However, the (once modified) Nation lacks a bookholder. Sewell teaches a bookholder (26). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Nation by including a bookholder as taught by Sewell since this would prevent the reading material from getting dirty, sandy or wet.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh  
  
Patent Examiner  
Art Unit 3673

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SS  
7/8/2004